



FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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SEP 16 2008

OFFICE OF PETITIONS

In re Application of
Christopher R. ULIK et al.
Application No. 10/611,666
Filed: June 30, 2003
Attorney Docket No. 16113-1306001

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 01, 2008 to revive the above-identified application, which, for the reasons stated below, is being treated as a request for a three (3)- month extension of time.

The request for a three (3)-month extension of time is **GRANTED**.

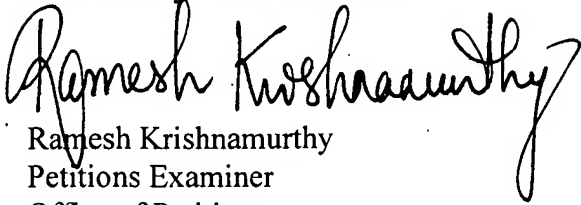
The record shows that a Non-Final Office action was mailed on July 5, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before October 5, 2007, or on or before January 7, 2008 (since January 5, 2008 fell on a Saturday) with the submission of a three-month extension of time fee pursuant to the provisions of 37 CFR 1.136(a). A response to the Non-Final Office action was filed January 28, 2008 with a certificate of mailing dated January 7, 2008. Since petitioner may obtain an extension of time up to an including three months, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the \$1,540 petition fee submitted will be refunded to petitioner's Deposit Account 06 - 1050 in due course.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2625 for appropriate action on the concurrently filed amendment.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first letter 'R' being particularly large and stylized. It is positioned above the printed name and title.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **FISH & RICHARDSON P.C.
ONE CONGRESS PLAZA, SUITE 810
111 CONGRESS AVENUE
AUSTIN TX 78701**